



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr I. Ehiorobo

**Respondent:** Royal Mail Group Ltd

## JUDGMENT

The claimant's application for reconsideration of the judgment is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, for the reasons set out below.
2. This is a request for a reconsideration made by the claimant, within time.
3. He seeks a reconsideration of only one aspect of the tribunal's judgement, namely the refusal of the tribunal to make an award under section 24 (2) of the Employment Rights Act 1996 ("ERA 96")
4. The chronology is important.
5. The claimant was dismissed on or about 04 September 2020.
6. The claimant was reinstated on appeal and returned to work on 17 December 2020.
7. The date when the wages were then due to the claimant on reinstatement, including arrears, was on 24 December 2020.
8. The respondent was late in payment of those arrears. It was the failure to pay on the due date that gave rise to a claim under section 24 (2) ERA 96.
9. The documents placed before the tribunal, at the substantive hearing showed the claimant had apparently borrowed money from his relatives, but prior to his reinstatement. He said in his schedule of loss, but nowhere else, that he had to pay interest at 5% on the monies borrowed.
10. The tribunal considered such interest charges, if established, were not recoverable because they were not costs or charges that arose from the delay in

the respondent making payment to the claimant when it should have, on 24 December 2020.

11.The claimant has produced new documents namely bank statements. The tribunal applied the decision in **Wileman -v- Minilec engineering Ltd 1988 IRLR 144.**

12.For the tribunal to admit new evidence it is the claimant show it could not have been obtained with reasonable diligence at the time, it was relevant in that it would probably have influenced the tribunal decision, and it was apparently credible.

13.The claimant fell at the first hurdle because the documents were clearly available to him at the time but were not produced to the tribunal. As was said in the case of **Dundee City Council versus Malcolm UKEATS/0019/15** the purpose of a reconsideration is not to allow a party to lead evidence that could have been led earlier.

14.Even if the tribunal was wrong as regards the admission of new evidence what the claimant was now seeking to do was vary his claim. He had highlighted a number of direct debits that had not been honoured but in law the respondent would not be responsible for the payment of the direct debits, only any charges that arose from the rejected direct debit. Searching through the documents, at its highest from the documents this appears to be £10.09p and this was not a matter the claimant pursued before the tribunal.

15.The tribunal had regard for the need to finality of litigation and for all the above reasons the claimant's application for reconsideration is dismissed on the papers.

Employment Judge T.R.Smith

Date 21 March 2024